

## **REMARKS**

### **Summary of Interview**

In response to the Interview Summary dated July 23, 2007, Applicant provides this statement reporting the substance of the interview. Shoaib Mithani, David Houlding, and David Lovell participated in a phone conference with Examiner Dao on Tuesday, July 17, 2007. The discussion focused on the Examiner's position that U.S. Patent No. 5,974,572 to Weinberg, et al. ("Weinberg") teaches each of the features of claims 1, 32, 41, and 48-50. The Examiner recognized a distinction between Weinberg and the application in that Weinberg only visualizes links between websites. The Examiner stated that the Weinberg reference will be overcome with an amendment directed at this distinction. Applicant respectfully submits that the substance of the interview provided by the Examiner is accurate.

### **Introduction to the Response**

Claims 1-5, 7-8, 11, 13-15, 32, 34, 41, and 45-55 are currently pending in the application. Claims 21-22 and 24-26 have been canceled. New claims 51-55 have been added. Claims 1, 32, 41, and 48-50 have been amended. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the pending application in view of the foregoing amendments and the following remarks.

### **Objection to the Specification**

The specification stands objected to for an informality. Specifically, the Office Action requires that the Patent Application Serial Number be added to the "Related Applications" section of the specification. Applicant has amended the specification accordingly. Withdrawal of the objection to the specification is respectfully requested.

### **Objections to the Claims**

Claims 21-22 and 24-26 stand objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, Applicant has canceled claims 21-22 and 24-26 and added new claims 51-55 in proper dependent form.

Claim 34 stands objected to for depending upon canceled claim 33. In response, Applicant has amended claim 34 as suggested by the Examiner to depend from claim 32. Applicant respectfully requests that the objection to claim 34 be withdrawn.

### **Rejection under 35 U.S.C. § 102**

#### **Introduction to the Rejections**

Claims 1-5, 7-8, 13-15, 21-22, 25-26, 32, 34, 41, 45-47, and 48-50 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,974,572 to Weinberg et al. ("Weinberg"). Weinberg discloses a visual Web Site analysis program for facilitating the analysis, management, and load-testing of Web sites. A mapping component scans a Web site over a network connection and builds a site map which graphically depicts the URLs and links of the site.

#### **Rejection of Independent Claims 1, 32, 41, and 48-50**

Applicant respectfully submits that Weinberg does not teach or suggest at least one key feature common to independent claims 1, 32, 41, and 48-50: namely, an *underlying architecture*. Given that the term *underlying architecture*, for example, is referenced nine times in independent claim 1 alone, Applicant respectfully submits that a proper interpretation of this term is paramount in consideration of Weinberg as a § 102 reference.

Applicant respectfully submits that a claim term is to be given its broadest reasonable interpretation *consistent with the specification*.<sup>1</sup> Towards that end, Applicant respectfully submits that the *underlying architecture* claim term is supported by seventy-seven explicit references in the specification, each of which makes clear that *the underlying architecture comprises non-visual components that provide for back end operability of a software system*. Nonetheless, to further clarify the term *underlying architecture* and facilitate timely prosecution of this application, Applicant has amended independent claim 1 to so state.

Applicant's specification distinguishes the *underlying architecture* from components in a *front end* of a software system. For example, the specification states that "the visible aspect is the '*front end*' of the software system and, *typically includes a graphical user interface having*

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<sup>1</sup> *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) ("...the specification necessarily informs the proper construction of the claims..."); MPEP § 2111.

*content and pages of a website*, for example."<sup>2</sup> Thus, pages of a website are visual components and are within a "front end" of a software system. In contrast, the underlying architecture includes non-visual components that provide for back end operability of the software system.<sup>3</sup>

Applicant respectfully submits that Weinberg is concerned exclusively with visible components of a front end of a software system. Particularly, Weinberg teaches building a graphical site map based upon links between websites.<sup>4</sup> As already demonstrated by Applicant's specification, websites are visible components and are part of a front end of a software system. Hence, websites neither are non-visual nor provide for operability of a back end of a software system. Therefore, Weinberg at least fails to teach or suggest any of the several features of independent claims 1, 32, 41, and 48-50 that reference an *underlying architecture*. Applicant respectfully submits that independent claims 1, 32, 41, and 48-50 distinguish over Weinberg and requests that the 35 U.S.C. § 102 rejection of claims 1, 32, 41, and 48-50 be withdrawn.

#### **Rejection of Dependent Claims 2-5, 7-8, 13-15, 21-22, 25-26, 34, and 45-47**

Dependent claims 21-22 and 25-26 have been canceled, rendering the rejections thereof moot. Each of dependent claims 2-5, 7-8, 13-15, 34, 45-47 and new dependent claims 51-55 depends from and further restricts in a patentable sense one of independent claims 1, 32, 41, and 48-50. For reasons similar to those given with respect to independent claims 1, 32, 41, and 48-50, Applicant respectfully submits that dependent claims 2-5, 7-8, 13-15, 34, 45-47, and 51-55 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 102 rejections of claims 2-5, 7-8, 13-15, 34, and 45-47 be withdrawn.

#### **Rejection under 35 U.S.C. § 103**

Claims 11 and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Weinberg in view of U.S. Patent No. 6,792,475 to Arcuri et al. ("Arcuri"). Arcuri discloses a system and method for designing web pages that allows web designers to place hyperlinks to web pages without a hierarchical relationship between the pages of the website. However, for reasons already given with respect to independent claims 1, 32, 41, and 48-50, Weinberg fails to

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<sup>2</sup> *Specification* at p. 7 lines 14-16 (emphasis added).

<sup>3</sup> *Specification* at p. 7 lines 16-19 and p. 18 lines 10-12.

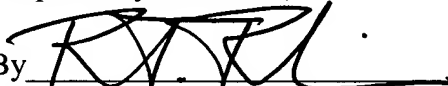
teach or suggest several features of each independent claim. Arcuri fails to remedy any of these deficiencies or render any claim obvious. Therefore, Applicant respectfully submits that claims 11 and 24 distinguish over the combination of Weinberg and Arcuri and are in condition for allowance. Withdrawal of the 35 U.S.C. § 103 rejections of claims 11 and 24 is respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicant believes the pending application to be in condition for allowance. A Notice to that effect is respectfully requested.

Dated: August 9, 2007

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant

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<sup>4</sup> See, e.g., *Weinberg* at Figs. 2-7, Abstract, and Summary of the Invention.